

time, and on motion of Mr Flanagan referred to committee on public lands.

A bill to create the county of Wise. Read second time, and on motion of Mr Allen referred to committee on county boundaries.

A bill to grant certain land titles. Read second time, and on motion of Mr Martin referred to committee on the Judiciary.

A bill to provide for the investment of the special school fund. Read second time, and referred to committee on education by motion of Mr. Palmer.

On motion of Mr McDade, the Senate adjourned till to-morrow morning, at 10 o'clock.

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SENATE CHAMBER,  
November 13th, 1855. }

Senate was called to order by the President, pursuant to adjournment.

Roll called—quorum present—prayer by the Chaplain.

The journal of yesterday was read and adopted.

Mr Bryan presented the petition of Alonzo B Follett, referred to committee on private land claims.

Mr Flanagan presented the petition of the heirs of John F. Cheairs; referred to committee on private land claims.

Mr White presented the petition of A Severy; referred to committee on claims and accounts.

Mr McCulloch presented the petition of Wm A Hardwicket referred to committee on private land claims.

Mr Potter from the Judiciary committee, to whom was referred a bill to be entitled, An act to amend an act entitled, an act to incorporate the city of San Antonio—approved January 14th, 1842; reported the same back to the Senate, and recommended its passage.

Mr Potter from the same committee, to whom was referred a bill to be entitled, An act to amend an act regulating attachments—approved March 11th, 1848; reported a substitute therefor, and recommended its adoption and passage.

Mr Palmer, from the same committee, made the following report:

The committee on the Judiciary, to whom was referred the petition of Joel Herd, have instructed me to report the same back to the Senate, together with a general bill, authorizing all persons to dispose of their own estate by will.

The committee in recommending the passage of this bill, feel assured that its effects will be to remove one of the most fruit-

ful sources of litigation to which the country is subject, and to restore to parents that control and influence over their children, which the present law has in many instances completely destroyed.

Under the present law, almost every man has been deterred from undertaking to make his own will, for fear of not coming fully within the pale of the law, and has felt that he was unjustly trammelled, in the free disposition of his own property.

And the estates of many of those who have undertaken to dispose of their property by will, have been squandered to lawyers, or absolved in the probate courts, in efforts to set the will aside, on account of inequality in the distribution.

In many instances, persons in order to escape the ruinous effects of the law, have been tempted to undertake to avoid its provisions by fictitious conveyances of their property during life, which has most generally involved them in a still more difficult and embarrassing condition.

But if the right is conferred by law upon persons to dispose of their own property by will, according to the relative situation of their several heirs, and according to the dictates of their own judgment, human nature and common reason teaches us to believe that as a general rule, parents will better understand, appreciate, and provide for the condition and circumstances of their own offspring, than disinterested legislators can possibly do.

There is no provision of law which the committee deem of greater importance, than the principle embraced in the present bill, securing to persons the power of making a fair and equal distribution of their own estate by will, without the interference or control of probate courts, and grasping and officious administrators.

A proper guarantee of this right will do much to prevent litigation, and to secure estates from the long and costly process of administration; and will give to those most deeply interested, the satisfaction of knowing that they can make such disposition of their own property, (which they have perhaps spent a life-time in acquiring,) as they deem best, for the interests of those dearest to them. All of which is respectfully submitted.

E. A. PALMER,

*One of the Judiciary committee.*

Mr HILL, from the committee on private land claims, made the following report :

The committee on private land claims, to whom was referred the petition of the heirs of John Bailly, claiming one league and

one labor of land, have considered the same, and a majority of the committee instruct me to report:

That the said John Baily emmigrated to Texas in the year 1834, and continued to reside in Texas, continuously, from that period up to the time of his death, and performed all the duties of a good citizen.

In 1840 he received a certificate for the said quantity of land now applied for, which was not recommended by the travelling board.

The committee do not believe that the mere fact of rejection by the travelling board, should be taken as conclusive against the claimant, when it is shown by incontestible evidence, that he was entitled as a colonist, and that he continued to reside in the county up to the day of his death.

The committee report the following bill for the relief of the claimant, and recommend its passage.

A bill for the relief of the heirs of John Baily; read first time.

Mr Taylor of F., chairman of the committee on private land claims, made the following report:

The committee on private land claims, to whom was referred the petition of Valentine T Dalton, praying for land, report that the evidence produced by the petition, shows that he is entitled to a headright certificate for 640 acres of land.

The committee therefore direct me to report the accompanying bill for the relief of said Dalton, and recommend its passage.

A bill for the relief of V T Dalton; Read first time.

Mr Taylor, chairman of the same committee, also reported the committee to be of opinion, that the relief prayed for by the heirs of Elizabeth Taylor, should be granted.

They therefore introduce the accompanying bill, and recommend its passage.

A bill for the relief of the heirs of Elizabeth Taylor; read first time.

In respect to the petition of Matthew Mays praying for and for John Reed, the committee on private land claims report:

That as there appears no authority authorizing said Mays to apply for said land, nor any reason why said Reed did not apply for, and obtain his certificate, the relief prayed for ought not to be granted—and add, however, not to prejudice the claim of said Reed, the committee recommend that said petition lie on the table.

Mr Scott, chairman of the committee on public lands, made the following report :

The committee on public lands, to whom was referred the petition of T A Patillo, chief justice of Harrison county, have had the same under consideration, and report a bill for the relief of the said county of Harrison ; bill read first time.

Mr Scott, chairman of the committee on public lands, to whom was referred the petition of Andrew Montgomery, reported that the committee had had the same under consideration, and deem it inexpedient to grant the prayer of the petitioners.

Mr Potter introduced the following bill :

An act to incorporate the Galveston rope, cordage, and cotton manufacturing company ; read first time.

Also a bill to incorporate the Texas marine railway, and building association ; read first time.

Also a bill to incorporate the Galveston ice company ; read first time.

Also a bill to incorporate the Galveston reading club ; read first time.

Also a bill to be entitled, An act making an appropriation for the payment of a portion of the public debt of the late Republic of Texas ; read first time.

Also a bill giving the assent of the State of Texas, to an act to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of Congress, of September 9th, 1850, which was passed at the second session of the thirty-third Congress of the United States, and approved February 28th, 1855 ; read first time.

Mr Hord, chairman of the committee on State affairs, to whom was referred the petition of Clinton Thompson, report that they have had the same under consideration, and that the committee are of opinion that the prayer of the said Clinton Thompson should be granted, and recommended the following bill for passage :

A bill to allow Clinton Thompson, a minor, to take possession and control of his estate, and to transact business as though he were of full age ; read first time.

Mr Taylor, of Fannin, introduced the following bills

A bill for the relief of Col J Tarlton ; read first time.

A bill for the relief of those who served in the navy ; read first time.

Mr Russell introduced a bill to prevent hunting by fire-light ; read first time.

Mr Allen introduced a bill to create the Sixteenth Judicial District ; read first time.

Also a joint resolution to amend the third section of the tenth article of the constitution ; read first time.

Mr Bryan introduced the following bills :

A bill to confirm titles in the colonies of Austin and DeWitt ; read first time.

Also a bill to be entitled, an act for the relief of the heirs of Amos Cox ; read first time.

Also a bill for the relief of G. G. Willams ; read first time.

Also a bill conferring power on county courts, to establish quarantine regulations ; read first time.

The following message was received from the House :

*Resolved*, That the Senate be requested to meet the House in joint session in the Representative Hall, at 11 1-2 o'clock, on Thursday the 16th inst., for the purpose of electing a United States Senator for this State for the term of six years, commencing on the 4th of March, 1857.

On motion of Mr Hill, Mr Pedigo was added to the committee on the Judiciary, internal improvement, and public debt.

Mr Bryan introduced a bill to exempt one or more negroes from execution ; read first time.

Mr Millican introduced a bill supplementary to an act, authorizing the commissioner of the General Land Office to issue patents on certificates issued by the board of Land Commissioners of Robertson county, under certain restrictions—approved February 5th, 1850 ; read first time.

A bill relative to the time of holding courts in Cameron county was introduced by Mr Scarborough ; read first time.

On motion of Mr. McCulloch, Mr Doane was added to the committee on Indian affairs.

Mr White introduced the following bills :

A bill to amend an act, entitled an act to provide a mode to try titles to lands ; read first time.

Also a bill entitled, an act concerning surveys, and to repeal an act—approved February 10th, 1852 ; read first time.

Mr Guinn introduced a bill for the relief of David and Joseph Luce, and the heirs of Abb Luce, Senior, and the heirs of Abb Luce, Junior ; read first time.

An act to amend an act legalising the official acts of Wm H Steel, commissioner ; read first time.

On motion of Mr Caldwell, the rule being suspended, the bill was read a second time and referred to the committee on the Judiciary.

Mr McCulloch introduced a bill for the relief of the Texian creditors of the German emigration company, and to quiet the

titles to the lands of the colonists, their representative and assignees, in Fisher and Miller's Colony; read first time.

On motion of Mr McCulloch, the rule was suspended, the bill read a second time, and referred to the Judiciary committee.

Mr Palmer introduced a bill, authorizing agents and attorneys to make affidavits in certain cases; read first time.

Also a bill to amend the statutes of limitation; read first time.

Mr Taylor, of Cass, offered the following resolution;

*Resolved*, That the committee on the Judiciary be requested to take under consideration the passage of some law, allowing open accounts to be proven before a notary public, and report by bill or otherwise; carried.

The President announced the following Senators as a select committee, to re-organize the Judicial districts of the State;

1st	Judicial District,	Mr Potter,
2d	"	" Hill,
3d	"	" McDade,
4th	"	" McCulloch,
5th	"	" Burroughs,
6th	"	" Flanagan, Chairman,
7th	"	" Palmer,
8th	"	" Taylor, of Fannin,
9th	"	" Taylor, of Houston,
10th	"	" White,
11th	"	" Doane,
12th	"	" Hord,
13th	"	" Millican,
14th	"	" Maverick.

#### ORDERS OF THE DAY.

Mr Taylor, of Houston, one of the committee on printing, to whom was referred a bill to repeal an act regulating the public printing—approved December 27th, 1851; reported the same back to the Senate, and saw no good reason why said law should be repealed.

The committee recommended that the act referred to, be so amended as to read as follows—viz:

That a public printer shall hereafter be elected within ten days after the organization of &c.

On motion of Mr Taylor, of Cass, the report and accompanying bill were referred to committee on printing.

A bill to incorporate the Texas iron, steel, and copper manu-

facturing company ; read second time, and on motion of Mr McDade, referred to committee on Internal Improvements.

A bill for the relief of James W Read ; read second time, and on motion of Mr Doane, referred to committee on Finance.

A bill to prevent the carrying of concealed weapons ; read second time, and referred to committee on the Judiciary.

A bill to authorize the county court of Cherokee county to levy additional taxes, for the purpose of building a jail house ; read second time, and on motion of Mr Guinn, referred to committee on Finance.

A bill for the protection of lands that have been, or may hereafter be granted for the purposes of Education ; read second time, and on motion of Mr Potter, referred to committee on education.

A bill authorizing and requiring the Governor of the State to cause the unlocated balance of the university lands to be surveyed ; read second time, and on motion of Mr Potter, referred to committee on education.

A bill for the relief of John Dewberry ; read second time, and on motion of Mr. Lott, referred to committee on public lands.

A bill to authorize and require the Treasurer of the State to transfer the specie in the Treasury belonging to the special school fund, to disbursement account, and replace the same with United States five per cent. indemnity bonds ; read second time and on motion of Mr Potter, referred to committee on education.

A bill making an appropriation of five thousand dollars, for the indemnification of the owners of slaves, executed by due process of law ; read second time, and on motion of Mr Taylor, of Cass, referred to committee on State affairs.

A bill authorizing the transfer of certain stock bonds on certain conditions ; Read second time, and on motion of Mr Taylor, of Cass, referred to committee on Finance.

A bill for the relief of D P Fowler ; read second time, and on motion of Mr Lott, referred to committee on State affairs.

An act confirming certain headright grants on the boundary, line of Austin and Robertson's colonies ; read second time, and on motion of Mr Hill referred to committee on public lands.

A bill to provide a summary remedy for sureties ; read second time, and on motion of Mr Hill, referred to committee on the Judiciary.

A bill to incorporate Lagrange Lodge, No 30, I O O F.

Also Hopkin's Encampment, No 9, I O O F.

Each read second time, and on motion of Mr Hill, referred to committee on State affairs.

A bill to amend an act, entitled an act of limitation—approved Feb. 26th, 1841; read second time, and on motion of Mr White referred to committee on the Judiciary.

A bill to authorize the District court clerk of Washington county, to transcribe certain records therein named; read second time, and on motion of Mr McDade, referred to committee on the Judiciary.

A bill to incorporate Galveston Island University; read second time, and on motion of Mr Potter, referred to committee on education.

Joint resolution proposing an amendment to the constitution; read second time, and on motion of Mr Potter, referred to committee on the Judiciary.

A joint resolution proposing an amendment to the 31st section of the 7th article of the constitution; read second time, and on motion of Mr Palmer, referred to committee on the Judiciary.

A bill granting Pelican Island to the corporation of the city of Galveston; read second time; and on motion of Mr Potter, referred to committee on public lands.

A bill for the relief of Dicy Craig—formerly Dicy Henderson; read second time, and on motion of Mr Burroughs, referred to committee on private land claims.

A bill granting the consent of the State of Texas, to the United States to construct certain breakwaters, jettys, dams, and other improvements on the coast of Texas; read second time, and on motion of Mr Potter, referred to the committee on Internal Improvements.

A bill appropriating two thousand dollars for the surveying, recording and patenting of Texas land scrip; read second time, and on motion of Mr Allen, referred to committee on public lands.

A bill for the relief of John B Johnson; read second time, and on motion of Mr Hill, referred to committee on private land claims.

Mr Scott moved a suspension of the rule, for taking up a bill for the relief of Clinton Thompson; carried.

The bill was read a second time.

Mr Potter moved to amend the bill by adding to section first, And he shall be liable for all contracts or agreements made by him, the same as if he were twenty-one years of age; carried.

On motion of Mr Scott, the bill was ordered to engrossment.

Mr Maverick moved a suspension of the rule to take up a bill to amend an act incorporating the city of San Antonio; carried.



On motion of Mr Maverick the bill was then read a second time, and ordered to be engrossed.

Mr Caldwell moved that the Senate adjourn until to-morrow morning at 10 o'clock ; carried.

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SENATE CHAMBER,  
Wednesday, November 14, 1855. }

The Senate was called to order by the President, pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House, informing the Senate that the House had adopted the following resolution :

“ *Resolved*, the Senate concurring, that the Committees raised in both houses, for the purpose of enquiring into the expediency of re-organizing the Judicial Districts of the State be required to act as a Joint Committee.”

Mr. Taylor, of Cass, presented the petition of Rosanna Ripley. Referred to the committee on Private Land Claims.

Mr. Burroughs presented the petition of S. H. Morris, and the petition of Ezekiel Vickers. Referred to the Committee on Private Land Claims.

Mr. Truit presented the petition of Josephus Moore. Referred to the Committee on Private Land Claims.

Mr. Millican presented the memorial of Wesley Kirkpatrick, a citizen of Gillespie county. Referred to the Committee on the Judiciary.

Mr. Guinn, Chairman of the Committee on Engrossed Bills, reported a Bill to amend an Act entitled an Act to incorporate the City of San Antonio, approved Jan'y 14, 1842, and a Bill to allow Clinton Thompson, a minor, to take possession of his estate, and to transact business as though he were of full age. Correctly engrossed.

Mr. Pirkey offered the following resolution :

“ *Resolved*, That the Committee on the Judiciary be requested to enquire into the expediency of so amending the Constitution of the State as to give appellate jurisdiction to the District Court, from judgments of Justices of the Peace, and report by resolution or otherwise.” Adopted.

Mr. Grimes, Chairman of the Committee on Finance, to whom was referred a Bill to authorise the County Court of Cherokee county to levy additional taxes for the purpose of building a Jail House, reported the same back and recommended its passage.